

Assembly Bill No. 1381

CHAPTER 299

An act to amend Section 35400 of, and to add and repeal Chapter 5 (commencing with Section 35900) of Part 21 of, the Education Code, relating to school district governance.

[Approved by Governor September 18, 2006. Filed with
Secretary of State September 18, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1381, Nunez. School district governance: Los Angeles Unified School District: Gloria Romero Educational Reform Act of 2006.

(1) Existing law authorizes the Inspector General of the Los Angeles Unified School District to conduct specified audits, investigations, and related activities.

This bill would authorize the Los Angeles Unified School District Board of Education to appoint the inspector general and to make all employment decisions related to the inspector general in a manner consistent with any existing contracts under which the inspector general is employed. The bill would prohibit the dismissal of the inspector general, except for good cause. The bill would require the inspector general to be appointed for a term of 3 years.

The bill would require the inspector general to have access to all contracts and contracting processes conducted as specified to enable review for violations of law or conflicts of interest. The bill would require the inspector general to report quarterly to the Los Angeles Unified School District Board of Education regarding any findings arising from the review of contracts and contracting processes and would require that the reports also be provided to the council of mayors established as specified. The bill also would make the reports public records subject to disclosure under the California Public Records Act.

(2) Existing law requires every school district to be under the control of a board of school trustees or a board of education. Existing law requires any unified school district which is coterminous with or includes within its boundaries a chartered city or city and county to be governed by the board of education provided for in the charter of the city or city and county. Existing law authorizes the governing board of any school district employing 8 or more teachers to employ a district superintendent for one or more schools and to define the duties of the superintendent.

Existing law authorizes the governing board of a school district or a county board of education, on a districtwide or countywide basis or on behalf of one or more of its schools or programs, after a public hearing on the matter, to request the State Board of Education to waive all or part of

any provision of the Education Code or any regulation adopted by the state board that implements a provision of that code, except for specified provisions. Existing law requires that a properly submitted waiver request be deemed granted and approved for one year, commencing the 1st day of the following month, if the state board fails to take action on the request by its 2nd regular meeting after the receipt of the request.

Existing law, the California Constitution, requires the state board to adopt instructional materials for grades 1 to 8, inclusive. Existing statutory law requires the governing board of a school district to adopt instructional materials for use in the high schools under its control. Existing law requires the state board to adopt content standards in defined curricula, as specified.

Existing law requires the governing board of each school district to develop and cause to be implemented for each school in the school district a School Accountability Report Card.

This bill would permit the Superintendent of the Los Angeles Unified School District to request, after a public hearing, that the state board waive all or part of any section of the Education Code, except as specified, and would deem the waiver granted for 2 years, commencing the 1st day of the following month, if the state board fails to take action on the request by its 2nd regular meeting after, or 60 days after, receipt of the request, whichever is sooner. The bill would require a request for a waiver to include specified written statements if the exclusive representative of employees responds with its position on the proposed waiver within 30 days of its receipt of the request from the district superintendent.

This bill would authorize the district superintendent to make employment decisions related to all certificated and classified management personnel of his or her office, and to assign and reassign a principal of a school within the Los Angeles Unified School District (LAUSD), and to consult with parents of pupils enrolled at the school to which the principal is assigned, community leaders, and schoolsite personnel regarding the appointment and dismissal of the school principal. The bill would set forth certain requirements regarding the assigning or reassigning of local district superintendents by the district superintendent. The bill would authorize the board of the LAUSD to employ a pool of administrative staff to serve all members of the board, subject to budget approval; would require the staff to report to the board as a whole; and would prohibit an individual member of the board from employing individual staff. The bill would grant the LAUSD board the power to make employment decisions related to the staff that do not violate any applicable law, written agreement, or contract under which the staff are employed. The bill would require the district superintendent to make all employment decisions for all nonrepresented LAUSD personnel. The bill would require the district superintendent to establish an Office of Parent Communication, as provided, to assure the LAUSD complies with specified matters.

This bill would grant the district superintendent authority over the contracting operations of the LAUSD, including, but not limited to, the

negotiation and execution of contracts, except as specified and subject to all other requirements of law. The bill would require the district superintendent to provide public notice, as provided, of his or her intent to award any contract in excess of \$250,000 at least 45 days, or 30 days if there is urgency as provided, before the execution of the contract. The bill would require the district superintendent to report all executed contracts to the LAUSD board, as provided. The bill would require the district superintendent to have the approval of the LAUSD board and to comply with specified provisions if he or she decides to contract with private parties regarding the personal services that, as of January 1, 2007, are provided by employees of the LAUSD, as specified. The bill would require the district superintendent to provide not less than 30 days of written notice of the intent to renew or rebid a personal services contract entered into prior to January 1, 2003, to each exclusive representative of district employees.

This bill would require the district superintendent to annually present a proposed budget for the LAUSD for the succeeding fiscal year to the council of mayors established by this bill for its review and comment and to the LAUSD board for final approval. The bill would require any budget revisions during the fiscal year also be presented to the council of mayors for review and comment and to the LAUSD board for final approval. The bill would require the budget and budget revisions be provided to the council of mayors at least 30 days before the consideration and adoption of the budget or budget revision by the LAUSD board. The bill would limit the budgetary information prepared and presented by the district superintendent to information that is no more detailed than the fund, resource code, and major object code level, as defined in the California School Accounting Manual, as specified. The bill would authorize the council of mayors to hold a public hearing and review and comment on the proposed budget and any budgetary revision at least 15 days prior to the consideration and adoption of the budget or budget revision by the LAUSD board. The bill would require the district superintendent to be responsible for fiscal reporting requirements to the county superintendent of schools, the State Department of Education, and the Superintendent of Public Instruction. The bill would also require the district superintendent to annually provide, for review and comment, the budget to a specified coalition of cities.

This bill would require the LAUSD, when selecting curriculum and instructional materials for the district, to ensure that parents, teachers, and other staff have an authentic and central role; a majority of the participants of each of the advisory curriculum and textbook and instructional materials selection committees of the district are classroom teachers selected by classroom teachers; basic instructional materials for kindergarten and grades 1 to 8, inclusive, purchased with state categorical funds for instructional materials are state board-adopted materials; basic instructional materials for grades 9 to 12, inclusive, are aligned to state content standards, if content standards exist for the applicable subjects;

there is a wide selection of supplemental instructional materials that are consistent with the needs of pupils and available for use; and, consistent with those other requirements, each schoolsite, with the participation of its principal, its classroom teachers, and parents of its pupils, are authorized to develop a plan for implementing curriculum that meets the individual needs of its pupils. The bill would authorize principals and teachers at individual schools, with the input of parents, to develop professional development programs supportive of the individual needs of pupils at their respective schoolsites.

This bill requires the district superintendent to develop and manage the facilities program for the LAUSD, as specified. The bill requires the council of mayors to provide input to the district superintendent regarding the facilities program, but requires that the district superintendent retain all decisionmaking power regarding the facilities program. The bill expresses the intent of the Legislature that the district superintendent take over and be responsible for all district-level, rather than school-level, requirements related to facilities, and that the LAUSD, through the district superintendent, remain subject to all laws regarding the review and approval of decisions of the district by state agencies regarding school facilities of the district. The bill provides that any eminent domain proceedings related to school facilities of the LAUSD require approval by the LAUSD board.

This bill would establish the council of mayors, composed of certain city mayors and city council members, unless the city elects not to participate by adopting a resolution to that effect, and county board of supervisors within the boundaries of the LAUSD, unless the county supervisor elects not to participate, as specified, that would act by 90% of the weighted vote of the membership of the council, as specified. The bill would authorize the council of mayors to select a representative and have that representative participate in all aspects of the selection and evaluation by the LAUSD board of the district superintendent, as provided, except that the representative would not have the right to vote with the board on any matter; would require the appointment, contract term, contract renewal, or involuntary removal of the district superintendent to be ratified by the council of mayors, as provided; would require the council of mayors to communicate through its representative in closed session the reason for any refusal to ratify the appointment, contract term, contract renewal, or removal of the district superintendent; and would require the district superintendent to provide, as specified, each School Accountability Report Card for each school of the district to the council of mayors on an annual basis for review and comment. The bill would also require the council of mayors and the district superintendent to negotiate and finalize memoranda of understanding by March 1, 2007, to establish an efficient and effective process to ensure that the LAUSD and each county or city have every opportunity to consult and agree based on good faith participation upon joint-use projects between the district and each city or the county to permit youth, children, and families to access and use school

resources at times other than during the regular schoolday; to ensure that each city or county supervisorial district in which a new school is proposed to be constructed by the LAUSD has the opportunity to provide feedback to the district superintendent and to propose alternative sites or modified construction options, and to follow whatever consultative process the city or supervisorial district may devise in arriving at such feedback, without unreasonably delaying the completion and opening of a newly constructed school; and for the council of mayors and the LAUSD to jointly conduct and complete, by January 1, 2008, the first periodic comprehensive identification, mapping, and assessment of available services, including public safety services, for children and youth in each school community, and to jointly consult about creating and maintaining new community services for children and youth to fill gaps identified in the assessment, in order to support the education and increased achievement of pupils in each school community. The bill would require the LAUSD and council of mayors to cooperate to identify private resources to fund the assessment to the greatest extent possible. The bill would authorize the council of mayors, in the course of conducting its duties, to create a committee of parents of pupils in the LAUSD, to provide input on the selection of a superintendent and other education related matters considered by the council of mayors and on the effective delivery of services to children and youth by the district and municipalities, and would require the district to assist the council of mayors in conducting outreach to parents in the creation of that committee.

This bill would require, upon authorization by the county superintendent of schools, the Mayor of the City of Los Angeles, in partnership with the LAUSD, parent and community leaders and organizations, and school personnel and employee organizations, to, as part of a demonstration project, exercise specified powers regarding 3 clusters of the lowest performing schools in different geographic areas within the City of Los Angeles. The bill would require each cluster to include a high school that is ranked in decile 1 or 2 of the Academic Performance Index and its feeder middle and elementary schools and other programs, including, but not limited to, early childhood programs and centers, continuation schools, and adult education programs. The bill would require participation by the LAUSD in the partnership through a full-time district employee appointed by the district superintendent for each of the 3 clusters. The bill would require the Los Angeles Mayor to ensure that each cluster is represented in the partnership from at least 2 representatives from parent organizations, at least 2 community leaders, one classroom teacher, one classified employee, and one school administrator, as specified. The bill would require the high schools for each cluster to be selected by the Los Angeles Mayor and the district superintendent, in consultation with the other members of the partnership, within specified timelines, and would require the county superintendent of schools to make that selection if the selection is not made within the deadline. The bill would specify the purposes of the demonstration project. The bill would require all authority exercised by the

LAUSD board and the district superintendent with respect to the schools in the demonstration project to be transferred to the partnership, except as specified. The bill would provide that the schools in the demonstration project continue to exist as district schools, that the employees at the schools in the demonstration project be deemed to be district employees, and that the schools in the demonstration project continue to be funded with existing resources and private donations. The bill would require that the partnership schools receive the same benefit from increased funding that they would receive if not participating in the partnership and would prohibit the LAUSD from taking actions that have negative fiscal consequences for partnership schools due to their participation in the partnership. The bill would require the partnership schools and the LAUSD to develop a budget and cost system, as specified.

The bill would permit the community partnership to request that the Los Angeles County Superintendent of Schools authorize the demonstration project and would prohibit the project from proceeding without that authorization. The bill would require the county superintendent to act upon the request within 20 days of his or her receipt of the request. The bill would require the county superintendent to grant the request unless the county superintendent determines that any of the specified conditions exist. The bill would permit the county superintendent to withdraw authorization of the demonstration project, after the specified progress report is completed, by concluding and certifying that the progress report demonstrates that any of the specified conditions exist.

This bill would require the State Department of Education to contract, from funds appropriated for this purpose, for an evaluator to develop a progress report on the implementation of the specified LAUSD programs to be completed on or before January 1, 2008; conduct a final evaluation to be completed by January 1, 2011; and report to the Legislature and the Governor on the final evaluation, including recommendations to continue, modify, or terminate the programs, by January 1, 2011, based upon the results in meeting specified measurements of the effectiveness of the programs based on a comparison of the LAUSD and its component schools and pupils in 2006 relative to the time of the evaluation of the LAUSD and its component schools and pupils. The bill would require the evaluation to include, but not be limited to, whether schools participating in the Los Angeles Mayor's Community Partnership for School Excellence, other schools in the LAUSD, and the LAUSD as a whole accomplished, and, in specified instances, to what degree they accomplished, specific goals.

This bill would repeal these provisions as of January 1, 2013.

To the extent this bill would impose additional duties on officials of local agencies and local educational agencies, this bill would impose a state-mandated local program.

(3) This bill would declare that, due to special circumstances applicable to the LAUSD, a general statute cannot be made applicable within the

meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Gloria Romero Educational Reform Act of 2006.

SEC. 2. Section 35400 of the Education Code is amended to read:

35400. (a) The Los Angeles Unified School District Board of Education may appoint an inspector general and shall make employment decisions related to the inspector general, except to the extent that a decision violates the terms of the employment contract under which the inspector general is employed as of January 1, 2007. The inspector general may not be dismissed by the Los Angeles Unified School District Board of Education, except for good cause. The inspector general shall be appointed to serve for a term of three years.

(b) The Inspector General of the Los Angeles Unified School District is authorized to conduct audits and investigations. The inspector general may subpoena witnesses, administer oaths or affirmations, take testimony, and compel the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence deemed material and relevant and that reasonably relate to the inquiry or investigation undertaken by the inspector general when he or she has a reasonable suspicion that a law, regulation, rule, or district policy has been violated or is being violated. For purposes of this section, "reasonable suspicion" means that the circumstances known or apparent to the inspector general include specific and articulable facts causing him or her to suspect that a material violation of law, regulation, rule, or district policy has occurred or is occurring, and that the facts would cause a reasonable officer in a like position to suspect that a material violation of a law, regulation, rule, or district policy has occurred or is occurring.

(c) Subpoenas shall be served in the manner provided by law for service of summons. Any subpoena issued pursuant to this section may be subject to challenge pursuant to Chapter 2 (commencing with Section 1985) of Title 3 of Part 4 of the Code of Civil Procedure.

(d) For purposes of this section, Sections 11184, 11185, 11186, 11187, 11188, 11189, 11190, and 11191 of the Government Code shall apply to the subpoenaing of witnesses and documents, reports, answers, records, accounts, papers, and other data and documentary evidence as if the

investigation was being conducted by a state department head, except that the applicable court for resolving motions to compel or motions to quash shall be the Superior Court for the County of Los Angeles.

(e) Notwithstanding any other provision of the law, any person who, after the administration of an oath or affirmation pursuant to this section, states or affirms as true any material matter that he or she knows to be false is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed six months or by a fine not to exceed five thousand dollars (\$5,000), or by both that fine and imprisonment for the first offense. Any subsequent violation shall be punishable by imprisonment in a county jail not to exceed one year or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment.

(f) The inspector general shall have access to all contracts and contracting processes conducted pursuant to Section 35912 to enable review for violations of law or conflicts of interest. The inspector general shall report quarterly to the Los Angeles Unified School District Board of Education regarding any findings arising from the review of contracts and contracting processes. These reports shall also be provided to the council of mayors established pursuant to Section 35920 and are public records subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(g) The inspector general shall submit an interim report to the Legislature by July 1, 2000, annual interim reports by July 1 of each succeeding year, and a final cumulative report by December 1, 2014, on all of the following:

(1) The use and effectiveness of the subpoena power authorized by this section in the successful completion of the inspector general's duties.

(2) Any use of the subpoena power in which the issued subpoena was quashed, including the basis for the court's order.

(3) Any referral to the district attorney or the Attorney General if the district attorney or Attorney General declined to investigate the matter further or declined to prosecute.

(h) This article shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

SEC. 3. Chapter 5 (commencing with Section 35900) is added to Part 21 of the Education Code, to read:

CHAPTER 5. LOS ANGELES UNIFIED SCHOOL DISTRICT ADMINISTRATION

Article 1. General Provisions

35900. (a) The Legislature finds and declares both of the following:

(1) As the largest school district in California and an urban district with high numbers of pupils from historically disadvantaged groups, the Los Angeles Unified School District has unique challenges and resources that require and deserve special attention to ensure that all pupils are given the opportunity to reach their full potential.

(2) The freedom to deviate from the strictures of generally applicable education statutes and regulations while maintaining the constant commitment to fairness and equity, and to increasing academic achievement among all pupils regardless of background, is central to the success of quality schools in California and is appropriate, as a concept, for the unique circumstances of the Los Angeles Unified School District.

(b) It is the intent of the Legislature that the Los Angeles Unified School District achieve the following pupil learning and academic achievement expectations through the enactment of this chapter:

(1) Significantly improved pupil learning and academic achievement based on the academic standards of the state, graduation requirements, and other standards for assessing the achievement of pupils, as measured by the California Standards Tests administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 and other valid and reliable assessments of academic achievement.

(2) Significantly improved graduation rates and significantly reduced dropout rates.

(3) A significant reduction in the academic achievement gap among racial and ethnic groups, between pupils with exceptional needs and pupils without those needs, and between English language learners and pupils who are fluent in English, so that all pupils are attaining similar, acceptable levels of academic achievement.

(4) Parent involvement and satisfaction with the schools that their children attend.

(5) The success of English language learner pupils in developing English language proficiency and increased redesignation as measured by the California English Language Development Test.

(c) It is the intent of the Legislature that the schools and administration of the Los Angeles Unified School District ensure that:

(1) All schools are clean and safe places for pupils and school staff.

(2) Each pupil has a qualified teacher who has had appropriate professional development for the one or more grades and subjects that he or she teaches.

(3) Each school has a principal who has had appropriate professional development to improve his or her ability as an educational leader to assist in improving teaching and learning at the school to which he or she is assigned, in building strong educational teams, and in promoting parental involvement and community relations.

(4) There is transparency in the fiscal affairs of the schools and the school district.

(5) Parents, teachers, and other school staff are full partners in the decisions that affect schools.

(6) The district is decentralized to reduce management bureaucracies and increase resources to schools and classrooms.

(7) Class sizes are at or below statewide averages for the corresponding grade levels.

(8) Every segment of the school community is held accountable for the achievement of the goals described in this section.

(d) Except as expressly and specifically stated in this chapter, it is the intent of the Legislature that the application of Part 25 (commencing with Section 44000) of this code and Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code to the Los Angeles Unified School District not be changed or altered.

(e) It is further the intent of the Legislature that, in performing the school-related duties set forth in this chapter, the council of mayors described in Section 35920 and the partnership described in Section 35931, which includes the Mayor of the City of Los Angeles, function as agencies authorized to maintain public schools, similar to a school district or county office of education. The council of mayors and the partnership are, therefore, a part of the public school system of the state in performing the duties established in this chapter within the meaning of Section 6 of Article IX of the California Constitution.

(f) Consistent with the council of mayors' status as part of the public school system, nothing in this chapter shall be construed to require any city to expend city resources on services to the school district or its pupils unless the expenditure is the result of a city's legislative act taken pursuant to the city's ordinary legislative decisionmaking process. Similarly, any liability incurred by any member of the council of mayors or mayor's community partnership for education excellence in undertaking any of the functions described in this chapter shall be borne by the school district and not by the County of Los Angeles, or any of the cities within its boundaries.

35901. For purposes of this chapter, the following terms have the following meanings, unless the context in which they appear clearly requires otherwise:

(a) "Board" means the Los Angeles Unified School District Board of Education.

(b) "District superintendent" means the Superintendent of the Los Angeles Unified School District.

(c) "LAUSD" means the Los Angeles Unified School District.

Article 2. Operational Flexibility

35910. (a) Notwithstanding Section 33050, the district superintendent, on a districtwide basis or on behalf of one or more of the schools or programs of the LAUSD, after a public hearing on the matter, may request that the state board waive all or part of any section of this code or any regulation adopted by the state board that implements a provision of this

code, except that a waiver of the provisions specified in subdivisions (a), (b), and (c) of Section 33050, Section 38103, 45103.1, or 45103.5, or of any law that cannot constitutionally be waived, shall not be requested or granted.

(b) A request for a waiver made pursuant to this section shall include the written statement required pursuant to subdivision (d) of Section 33050 if the exclusive representative of employees specified in that section responds with its position on any proposed waiver within 30 days of its receipt of a request from the district superintendent.

(c) If the state board does not approve or deny a waiver request submitted by the district superintendent pursuant to this section by the completion of the second regular meeting of the state board after, or within 60 days of, receiving the request, whichever date is sooner, the request shall be deemed approved for two years, commencing the first day of the following month.

35911. (a) The district superintendent shall have the authority to make employment decisions related to all certificated and classified management personnel in the Office of the Superintendent of the LAUSD. These personnel serve at the pleasure of the district superintendent.

(b) The district superintendent shall have the authority to assign and reassign a principal of a school within the LAUSD and may consult with community leaders, schoolsite personnel, and parents of pupils enrolled at the school to which the principal is assigned. The consultation shall include the elected mayors and city council members representing territory within the attendance boundaries of the school.

(c) In assigning or reassigning a local district superintendent, the district superintendent shall consult the elected mayors and city council members representing territory within the boundaries of the local district, unless exigent circumstances exist. In addition, the Southeast Cities Schools Coalition, which is comprised of the cities of Bell, Cudahy, Huntington Park, Maywood, South Gate, and Vernon, shall have the right to ratify the selection of the local district superintendent serving the cities in the Southeast Cities Schools Coalition. If the Southeast Cities Schools Coalition fails to act within 30 days of the submission of the district superintendent of a choice for local district superintendent, the choice shall be deemed ratified. The council of mayors described in Section 35920 may recognize other coalitions of multiple cities and provide the same ratification authority with respect to the local district superintendent serving the cities in any coalition recognized in the future.

(d) The board, subject to Section 45112, may employ a pool of administrative staff to serve all members of the board, subject to budget approval. All of this staff shall report to the board as a whole, and no individual member of the board shall employ individual staff. The board shall have the authority to make employment decisions related to this staff, except to the extent that any decision would violate any applicable law, written agreement, or contract under which the staff are employed.

(e) The board shall retain the power to appoint and to make other employment decisions related to the inspector general of the LAUSD, pursuant to Section 35400, and related to staff directly reporting to the inspector general.

(f) The district superintendent shall make all employment decisions for all nonrepresented personnel of the LAUSD, subject to the applicable protections of the personnel commission.

(g) Except as expressly provided above, this section does not change or alter the application of Part 25 (commencing with Section 44000) of this code or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code to the LAUSD.

(h) The authority of the district superintendent to assign and reassign principals, as set forth in subdivision (b), shall not supersede the process by which existing site-based agreements that provide for an alternative method of selecting a principal are extended or modified.

(i) As used in subdivisions (b) and (c), “consult” includes, at a minimum, the right to suggest qualifications to look for in the individual to receive the position, the right to recommend individuals for the position, and the right to provide opinion and feedback regarding finalists being considered for the position.

(j) The district superintendent shall establish an Office of Parent Communication that may be staffed by an ombudsperson or similar employee. The office shall assure that the LAUSD complies with the processes for receiving and addressing parent complaints set forth in Section 35186 and shall assure that the LAUSD complies with the requirements regarding parent information and the rights of parents to participate in the education of their children set forth in Section 51101. The office shall report regularly on the compliance of the LAUSD with those sections.

35912. (a) (1) The district superintendent shall have the authority over the contracting operations of the LAUSD, including, but not limited to, the negotiation and execution of contracts, except those contracts governed by Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code. For purposes of negotiating and executing contracts, the district superintendent is subject to the otherwise applicable requirements of law, including statutory or regulatory competitive bidding procedures and best contracting practices. The district superintendent shall provide public notice of his or her intent to award any contract in excess of two hundred fifty thousand dollars (\$250,000) at least 45 days before the execution of the contract, unless the district superintendent, in his or her discretion, determines and certifies that there is an urgency, in which case public notice shall occur at least 30 days before the execution of the contract. In addition, the district superintendent shall report to the board on all contracts at the next regularly scheduled public meeting of the board following the execution of the contract. The public notice shall, at a minimum, include electronic posting on the LAUSD Internet Web site, and physical posting at 10 geographically

dispersed district offices or schools in an area that is accessible to the public for at least 12 hours each day.

(2) A decision by the district superintendent to contract with a private individual, other governmental agency, or business entity for personal services that, as of January 1, 2007, are currently or customarily performed by classified school employees or other district employees shall, notwithstanding paragraph (1), require approval of the board and be subject to, and comply in all respects with, Sections 38103, 45103.1, and 45103.5. With respect to the rebidding or renewal of any personal services contract entered into prior to January 1, 2003, and covered by subdivision (d) of Section 45103.1, and in addition to any other notice that may be required by law, the district superintendent shall give no less than 30 days written notice of the intent to renew or rebid to each exclusive representative of district employees.

(b) Except as indicated in this subdivision, nothing in this chapter removes or alters the obligation of the LAUSD to comply with all requirements for the expenditure of bond proceeds, including, but not limited to, those required by Section 15278, by subparagraphs (C) and (D) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, and by the terms of bond measures approved by the district electorate. To the extent the district superintendent, in the course of exercising his or her authority under this chapter, acts to expend any bond proceeds, the district superintendent shall abide by all restrictions and fulfill all obligations that otherwise would have devolved upon the board in conjunction with the expenditure of those bond proceeds.

(c) The intent of the Legislature in enacting this section is to transfer the responsibility for contracting operations, including appropriation and payment, from the board to the district superintendent. This section does not alter the rights or requirements related to the employment of district employees pursuant to Part 25 (commencing with Section 44000) of this code or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, or any applicable collective bargaining agreement or contract. This section does not alter any other law regarding the procedures for school districts to execute or amend contracts.

35913. (a) The district superintendent shall annually prepare a proposed budget for the LAUSD for the succeeding fiscal year. The proposed budget shall be presented to the council of mayors established pursuant to Article 3 (commencing with Section 35920) for review and comment, and to the board for final approval. Any budget revisions during the fiscal year shall also be presented to the council of mayors for review and comment and to the board for final approval. The proposed budget and any budget revision shall be provided to the council of mayors at least 30 days before the consideration and adoption of the budget or budget revision by the board.

(b) The budget and any budget revisions prepared and presented by the district superintendent shall include budgetary information that is no more

detailed than the fund, resource code, and major object code level, as defined in the California School Accounting Manual in effect as of January 1, 2007.

(c) The board shall approve the annual budget of the office of the inspector general, and the amount approved shall not be reduced during the year without the approval of the board.

(d) The council of mayors may hold a public hearing and review and comment on the proposed budget and any budget revision at least 15 days prior to the consideration and adoption of the budget or budget revision by the board. After the opportunity for public comment, the board shall have final approval of the budget and any budget revisions.

(e) The district superintendent is responsible for compliance with fiscal reporting requirements to the county superintendent of schools, the department, and the Superintendent.

(f) The district superintendent annually shall provide, for review and comment, the budget to the member cities of the Southeast Cities Schools Coalition, which is described in subdivision (c) of Section 35911.

35914. (a) (1) The LAUSD, when selecting curriculum and instructional materials for the district, shall ensure that:

(A) Parents, teachers, and other certificated staff have an authentic and central role.

(B) A majority of the participants of each of the advisory curriculum and textbook and instructional materials selection committees of the district are classroom teachers selected by classroom teachers.

(C) Basic instructional materials for kindergarten and grades 1 to 8, inclusive, purchased with state categorical funds for instructional materials are state board-adopted materials.

(D) Basic instructional materials for grades 9 to 12, inclusive, are aligned to state content standards, if content standards exist for the applicable subjects.

(E) There is a wide selection of supplemental instructional materials that are consistent with the needs of pupils and available for use.

(F) Consistent with subparagraphs (A) to (E), inclusive, each schoolsite, with the participation of its principal, its classroom teachers, and parents of its pupils, are authorized to develop a plan for implementing curriculum that meets the individual needs of its pupils.

(2) This subdivision does not prevent the board from requiring that the same basic instructional materials be used in all schools of the LAUSD.

(b) The board shall retain its authority to establish the requirements for graduation from high school pursuant to paragraph (2) of subdivision (a) of Section 51225.3.

(c) In addition to the districtwide staff development, principals and teachers at individual schools, with the input of parents, are authorized to develop professional development programs supportive of the individual needs of pupils at their respective schoolsites.

35915. (a) (1) The district superintendent shall develop and manage the facilities program for the LAUSD. This program may include, but not

be limited to, the development, management, and implementation of a strategic plan regarding facilities for the LAUSD and the management of all phases of construction, repair, upgrade, renovation, and maintenance of school facilities of the district.

(2) The council of mayors established pursuant to Section 35920 shall provide input to the district superintendent regarding the facilities program. However, notwithstanding that authority, and except as provided pursuant to subdivision (b), the district superintendent shall retain all decisionmaking power regarding any facilities program of the district.

(3) The LAUSD, through the district superintendent, is subject to all laws regarding the review and approval of decisions of the district by state agencies regarding school facilities of the district.

(b) Eminent domain proceedings related to school facilities of the district require the approval of the board. The board shall also retain decisionmaking power related to the placement of school facilities bond measures on the ballot and related to levying development fees for school facilities purposes pursuant to law.

(c) This chapter does not deprive the board of the power or authority to adopt or enter into project stabilization agreements or project labor agreements for district construction or facilities projects or affect the validity of existing project stabilization agreements and project labor agreements. The decision to adopt or enter into project stabilization agreements or project labor agreements for district construction or facilities projects is within the sole discretion of the board.

Article 3. Council of Mayors

35920. (a) The council of mayors is hereby established and shall be comprised of the directly elected mayor, or a city council member selected by the city council if there is no directly elected mayor, of each city any part of which is located within the attendance boundaries of the LAUSD and each member of the Los Angeles County Board of Supervisors whose supervisorial district includes any unincorporated portion of the county that is located within the attendance boundaries of the LAUSD.

(1) The mayor, or his or her designee, of each eligible city shall participate as a member of the council of mayors, unless the city elects not to participate by adopting a resolution to that effect.

(2) A member of the county board of supervisors who is eligible to participate as a member of the council of mayors may elect not to participate by providing written notification of that election to the council.

(b) In exercising any of the duties described in this chapter, the council of mayors shall act by 90 percent of the weighted vote of the total membership of the council. The weighted vote of each member of the council of mayors is equal to the proportion of the population of the LAUSD that are residents of the city of the individual member, or unincorporated area of the county for any member of the county board of

supervisors, to the total population of residents of the LAUSD, excluding those residents of a city council or supervisorial district whose representative has elected not to participate in the council of mayors under paragraph (1) or (2) of subdivision (a).

35921. (a) Notwithstanding any other provision of law, the council of mayors may select a representative to participate in all aspects of the selection and evaluation by the board of the district superintendent, including, but not limited to, the search for potential candidates and the setting of compensation. This right includes access, by the representative of the council of mayors, to closed session meetings of the board in which any of these matters regarding the selection and evaluation of the district superintendent are to be discussed. The representative does not have the right to vote with the board on any matter.

(b) The appointment, contract term, contract renewal, refusal to renew a contract, or removal of the district superintendent shall be ratified by the council of mayors. If the council of mayors fails to act within 30 days of the submission of one of these actions by the board, the action shall be deemed ratified. If the council of mayors refuses to ratify the appointment, contract term, contract renewal, or removal of the district superintendent, the council of mayors shall communicate through its representative in closed session the reasons for their refusal to the board.

(c) The council of mayors and its representative shall comply with all legal requirements applicable to the board and its members concerning the matters set forth in this subdivision, including, but not limited to, the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code), and the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

35922. The district superintendent shall provide each School Accountability Report Card required by Section 35256 for each school of the LAUSD to the council of mayors on an annual basis for review and comment. Each School Accountability Report Card shall be provided to the council of mayors at least two weeks before the report card is released to the public.

35923. The council of mayors and the district superintendent shall negotiate and finalize memoranda of understanding by March 1, 2007, to establish each of the following:

(a) An efficient and effective process to ensure that the LAUSD and each city or the county have every opportunity to consult and agree upon joint-use projects between the district and each city or the county to permit youth, children, and families to access and use school resources at times other than during the regular schoolday. The memorandum of understanding should establish a process that secures good faith participation by both sides in an effort to establish joint-use municipal and school district projects and programs.

(b) An efficient and effective process to ensure that each city or county supervisorial district in which a new school is proposed to be constructed by the LAUSD has the opportunity to provide feedback to the district superintendent and to propose alternative sites or modified construction options, and to follow whatever consultative process the city or supervisorial district may devise in arriving at that feedback, without unreasonably delaying the completion and opening of a newly constructed school.

(c) An efficient and effective process for the council of mayors and the LAUSD to jointly conduct and complete, by January 1, 2008, the first periodic comprehensive identification, mapping, and assessment of available services, including public safety services, for children and youth in each school community, and to jointly consult about creating and maintaining new community services for children and youth to fill gaps identified in the assessment, in order to support the education and increased achievement of pupils in each school community. The LAUSD and council of mayors shall cooperate to identify private resources to fund the assessment to the greatest extent possible.

(d) The Chief of the Los Angeles School Police Department and the chief or sheriff of a law enforcement agency serving each city and unincorporated county area within the LAUSD shall develop and coordinate efficient and effective protocols for mutual cooperation, timely sharing of information, ongoing communication, and memorandums of agreement related to the responsibility of each agency.

35924. The council of mayors, in the course of conducting its duties, may create a committee of parents of pupils in the LAUSD, to provide input on the selection of a superintendent and other education related matters considered by the council of mayors and on the effective delivery of services to children and youth by the district and municipalities, including, but not limited to, review of the budget, review of school accountability report cards, and consideration of joint use and school siting. The LAUSD shall assist the council of mayors in conducting outreach to parents in the creation of that committee.

Article 4. The Los Angeles Mayor's Community Partnership for School Excellence

35930. This article shall be known, and may be cited, as "The Los Angeles Mayor's Community Partnership for School Excellence."

35930.5. (a) The community partnership, directed by the Mayor of the City of Los Angeles and described in Section 35931, may request that the Los Angeles County Superintendent of Schools authorize the demonstration project described in this article. The demonstration project shall not proceed without that authorization.

(b) The county superintendent shall act upon a request received pursuant to subdivision (a) within 20 days of his or her receipt of the

request. The county superintendent shall grant a request for authorization unless the county superintendent determines that one or more of the following conditions exist:

(1) The mayor and the partnership are demonstrably incapable, and not likely to gain the capability before the project begins, of implementing a sound educational program at the schools in the demonstration project.

(2) The mayor and the partnership have an irremediable and significant conflict of interest in undertaking the demonstration project involving the partners.

(3) The mayor and the partnership are demonstrably incapable, and not likely to gain the capability before the project begins, of providing sufficient financial oversight to ensure that the schools in the project are financially capable of sustaining a sound educational program and other operational services.

(c) After the completion of the progress report described in Section 35940, the county superintendent may withdraw authorization of the demonstration project by concluding and certifying that the progress report demonstrates that one or more of the following conditions exist:

(1) The mayor and the partnership are demonstrably incapable of implementing a sound educational program at the schools in the demonstration project.

(2) The mayor and the partnership have an irremediable and significant conflict of interest in undertaking the demonstration project involving the partners.

(3) The mayor and the partnership are demonstrably incapable of providing sufficient financial oversight to ensure that the schools in the project are financially capable of sustaining a sound educational program and other operational services.

35931. (a) (1) Upon authorization by the county superintendent of schools pursuant to Section 35930.5, the Mayor of the City of Los Angeles, in partnership with the LAUSD, parent and community leaders and organizations, and school personnel and employee organizations, shall, as part of a demonstration project, exercise the powers set forth in Section 35932 regarding three clusters of the lowest performing schools in different geographic areas within the LAUSD that are located within the City of Los Angeles. Each cluster shall include a high school that is ranked in decile 1 or 2 on the Academic Performance Index, pursuant to Section 52056, and its feeder middle and elementary schools and other programs, including, but not limited to, early childhood programs and centers, continuation schools, and adult education programs.

(2) LAUSD participation in the partnership shall be through a full-time district employee appointed by the district superintendent for each of the three clusters. The mayor shall ensure that each of the clusters is represented in the partnership by at least two representatives from parent organizations who are not also employees of the district, at least two community leaders who are not from a parent or employee organization, and one classroom teacher, one classified employee, and one school

administrator selected from those nominated by employee organizations of classroom teachers, classified employees, and school administrators, respectively, who are employed at a school within the cluster.

(3) The full-time district employee specified in paragraph (2) shall perform the functions of the Office of Parent Communication set forth in subdivision (j) of Section 35911 for the cluster of schools to which he or she is assigned.

(b) The high schools for each cluster shall be selected by the mayor and the district superintendent, in consultation with the other members of the partnership described in subdivision (a), and shall take into account the academic status of each school and the interests of the school community. If the mayor and the district superintendent do not agree on the high school for the first cluster on or before February 1, 2007, for the second cluster on or before March 1, 2007, and for the third cluster on or before September 1, 2007, the county superintendent of schools shall select the high school for the cluster within 30 days of the applicable deadline. These deadlines are maximum time periods, but all parties shall act with diligence to permit achievement of the objective of each cluster joining the demonstration project in the 2007–08 school year.

(c) The purpose of the demonstration project is as follows:

(1) To achieve all of the following pupil learning and academic achievement expectations:

(A) Significantly improved pupil learning and academic achievement based on the academic standards of the state, graduation requirements, and other standards that may be developed by the partnership described in subdivision (a), as measured by the California Standards Tests administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 and other valid and reliable assessments of academic achievement.

(B) Significantly improved graduation rates and significantly reduced dropout rates.

(C) A significant reduction in the academic achievement gap among racial and ethnic groups, between pupils with exceptional needs and pupils without those needs, and between English language learners and pupils who are fluent in English, so that all pupils are attaining similar, acceptable levels of academic achievement.

(D) Parent involvement and satisfaction with the schools that their children attend.

(E) The success of English language learner pupils in developing English language proficiency and increased redesignation as measured by the California English Language Development Test.

(2) To achieve all of the following school expectations:

(A) All schools are clean and safe places for pupils and school staff.

(B) Each pupil has a qualified teacher who has had appropriate professional development for the grade or grades and subject or subjects that he or she teaches.

(C) Each school has a principal who has had appropriate professional development to improve his or her ability as an educational leader to assist in improving teaching and learning, in building strong educational teams, and in promoting parental involvement and community relations.

(D) Transparency in the fiscal affairs of the operations of each school.

(E) Parents, teachers, and other school staff are full partners in the decisions that affect the schools.

(F) Every segment of the school community is held accountable for the achievement of the goals described in this section.

35932. (a) Notwithstanding any other provisions of law, and except for the authority to negotiate and enforce collective bargaining agreements, all authority exercised by the board and the district superintendent with respect to the schools in the demonstration project shall be transferred to the partnership described in subdivision (a) of Section 35931, which is directed by the mayor. In a manner consistent with districtwide collective bargaining agreements, the partnership may seek waivers, pursuant to Section 35910, from the state board and authority to operate the schools in the demonstration project with maximum flexibility and efficiency.

(b) The schools in the demonstration project shall continue to exist as district schools, and employees at the schools shall be deemed to be district employees with all the rights of district employees.

(c) Schools in the demonstration project shall continue to be funded with district resources, including average daily attendance revenue and state or federal categorical or other targeted funding generated by, or granted based on, the pupils in the schools in each cluster. That funding may also be supplemented by private funds, recorded, and accounted for by the partnership. The LAUSD shall provide funds and may assess costs to partnership schools, provided that these schools shall receive the same benefit from any new or increased local, state, or federal funding that these schools would receive if they were not partnership schools.

(d) The partnership schools and the LAUSD shall develop a budget and cost system that carries out the provisions of this section.

(e) The LAUSD shall not take actions that have negative fiscal consequences for partnership schools due to their participation in the partnership.

35933. For purposes of Section 8 of Article XVI of the California Constitution, the schools included in the demonstration project pursuant to this article remain public schools and remain part of a school district. The establishment of the demonstration project pursuant to this article does not create an obligation of the state to provide additional funds to the LAUSD or to the schools in the demonstration project.

Article 5. Program Evaluation

35940. (a) From funds appropriated for this purpose, the department shall contract for an evaluator to perform all of the following:

(1) Compose a progress report on the implementation of the programs authorized under this chapter to be completed on or before January 1, 2008.

(2) Conduct a final evaluation to be completed by January 1, 2011.

(3) Report to the Legislature and the Governor on the final evaluation completed pursuant to paragraph (2) and, in that report, make recommendations to continue, modify, or terminate the programs by January 1, 2011, based upon the results in meeting the measurements described in subdivision (b).

(b) The evaluation of the effectiveness of the programs shall be based on a comparison of the LAUSD and its component schools and pupils in 2006 relative to the time of the evaluation of the LAUSD and its component schools and pupils. The evaluation shall include, but not be limited to, all of the following:

(1) Whether schools participating in the Los Angeles Mayor's Community Partnership for School Excellence, other schools in the LAUSD, and the LAUSD as a whole accomplished the following:

(A) Significantly improved pupil learning and academic achievement based on the academic standards of the state, graduation requirements, and other standards for assessing the achievement of pupils.

(B) Significantly improved graduation rates and significantly reduced dropout rates.

(C) Significantly reduced the academic achievement gap among racial and ethnic groups, between pupils with exceptional needs and pupils without those needs, and between English language learners and pupils who are fluent in English, so that all pupils are attaining similar, acceptable levels of academic achievement.

(D) Provided parent satisfaction with the schools that their children attend.

(E) Ensured English language learner success.

(2) Whether schools participating in the Los Angeles Mayor's Community Partnership for School Excellence, other schools in the LAUSD, and the LAUSD as a whole accomplished, and to what degree they accomplished, the following:

(A) Made all schools clean and safe places for pupils and school staff.

(B) Ensured that each pupil has a qualified teacher who has had appropriate professional development for the one or more grades and subjects that he or she teaches.

(C) Ensured that each school has a principal who has had appropriate professional development to improve his or her ability as an educational leader to assist in improving teaching and learning at the school to which he or she is assigned, in building strong educational teams, and in promoting parental involvement and community relations.

(D) Ensured transparency in the fiscal affairs of the schools and district.

(E) Made parents, teachers, and other school staff full partners in the decisions that affect schools.

(F) Decentralized the district to reduce management bureaucracies and to increase resources to schools and classrooms.

(G) Ensured that class sizes are at or below statewide averages for the corresponding grade levels.

(H) Ensured that the district and schools are able to attract and retain quality teachers.

(I) Held the school community segments accountable for the achievement of the above-described goals.

Article 6. Repeal

35950. This chapter shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 4. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances that have resulted in the Los Angeles Unified School District facing more serious challenges to the achievement of pupils and schools than most other school districts.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.